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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation of human rights in the Sudan

Report of the Special Rapporteur, Mr. Gáspár Bíró, submitted in accordance with Commission on Human Rights resolution 1996/73

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Introduction

1. The present report is the fourth submitted by the Special Rapporteur to the Commission on Human Rights since 1993 (E/CN.4/1994/48; E/CN.4/1995/58 and E/CN.4/1996/62). The Special Rapporteur also submitted four interim reports to the General Assembly (A/48/601, A/49/539, A/50/569 and A/51/490). The interim report in document A/51/490 of 14 October 1996 should be read together with the present report.

2. The Special Rapporteur undertook a mission to Eritrea, Egypt and the Sudan from 27 July to 8 August 1996. The findings of this mission, mainly based upon discussions held with competent officials of the Government of the Sudan, are described in detail in A/51/490.

3. Between 4 and 12 January 1997 the Special Rapporteur travelled again to Asmara and Tesseney, Eritrea, and to Cairo, Egypt, where he met Sudanese citizens who reside in those countries, Sudanese refugees who had recently fled the Sudan and representatives of the local offices of the United Nations Development Programme and the United Nations High Commissioner for Refugees. On 13 January 1997, the Special Rapporteur arrived in Khartoum and had an efficient and comprehensive working meeting with the Prosecutor General, representatives of the Ministry of Justice and the Consultative Council for Human Rights. In this meeting, the programme of the mission was finalized and a number of questions regarding the situation of human rights were discussed. The travel arrangements for a one-day visit to Wau were also made. Another fact-finding visit was scheduled, in agreement with the competent authorities, for Saturday, 18 January. A number of other official meetings, in addition to the schedule presented at the airport by the Prosecutor General upon arrival, were also scheduled. On 14 January 1997, the Special Rapporteur was obliged, for reasons indicated in a letter dated Geneva, 17 January 1997, to the Chairman of the Commission on Human Rights, to interrupt his visit to the Sudan and leave the country. The present report was completed on 22 January 1997.

4. In previous reports the information and data available to the Special Rapporteur were grouped in chapters on specific categories of violations of human rights such as summary executions, arbitrary arrests, torture, violations of the rights of the child and the rights of women, freedom of expression and movement, etc. with additional paragraphs, whenever necessary, on special questions, such as incidents which prevented humanitarian activities or the situation in the Nuba Mountains.

5. In the present report, however, some of the reports received by the Special Rapporteur after the extension of his mandate in April 1996 are listed in chronological sequence. The Special Rapporteur has found that the information contained in these reports constitutes an appropriate background for the consideration of his remarks in the chapter containing conclusions and recommendations. The Special Rapporteur wishes to underline again that, in his view, information on basic facts is well established and enables a proper assessment to be made of the present situation of human rights in the Sudan and the position of those who bear responsibility or have directly contributed to the deterioration of the situation in the Sudan.

6. After 1993 (the year in which the Commission on Human Rights established the mandate of the Special Rapporteur) the whole range of human rights recognized by the United Nations has continuously been violated by agents of the Government of the Sudan or individuals publicly affiliated and working with it (for example, members of the Popular Defence Forces (PDF), various tribal militias, groups of volunteers called mujaheddin who are fighting together with the Government of the Sudan army and the PDF against the rebels, and some members of the rebel factions who signed the political charter of 10 April 1996 with the Government of the Sudan and who are considered to be allied with the Government). Members of different parties to the conflict in southern Sudan and the Nuba Mountains, other than the Government of the Sudan and those affiliated with it, have committed a series of abuses and atrocities against the life, liberty and personal security of Sudanese citizens in the areas under their control.

7. All Sudanese citizens living in areas controlled by the Government of the Sudan are potential victims of human rights violations and abuses, regardless of their race, religion, language, ethnic origin or social status, once they are considered to be opponents of the Government of the Sudan, or even suspected of being in disagreement with its political agenda. As of January 1997, it became a constant feature of government policy to declare war and a general mobilization against its domestic and external enemies, without making a distinction between those Sudanese citizens who join the armed forces fighting against the Government which are assumed or are known actively to oppose the Government of the Sudan and those who happen to be in the conflict areas, once again regardless of their race, religion, language, ethnic or social origin and status. One of the consequences of this situation is the paralysis of the process under which those who signed or would sign the 10 April 1996 peace charter and put down their arms had received public offers of amnesty. The designation of a domestic enemy on such broad a basis may result in lessening the chances for the conflict to be resolved by political dialogue. This could lead to a further deterioration of the situation of human rights in general.

8. Until April 1996, the official position of the Government of the Sudan with regard to the provisions of the resolutions adopted by the Commission on Human Rights and the General Assembly on reported human rights violations can be summarized as unequivocal rejection. At the same time, calls upon the Government of the Sudan to bring an end to the violations and to hold the perpetrators responsible have consistently been ignored. This attitude changed in some respects, however, after the fifty-second session of the Commission. The subsequent developments are reflected in detail in A/51/490, which received a fairly reasonable response from the competent government organs.

9. Despite certain aspects which had previously been described by the Special Rapporteur as positive, the basic trend of the past years towards a deterioration of the situation of human rights in the Sudan has not been altered. The following paragraphs contain references and a brief description of reports and information on human rights violations which, in their entirety, underline this trend. The Special Rapporteur summarizes the

Government's response, where there has been one, to the developments that have occurred between the renewal of the mandate of the Special Rapporteur and the completion of this report on 22 January 1997.

I. CHRONOLOGY OF MAIN EVENTS AS REPORTED BETWEEN APRIL 1996 AND JANUARY 1997

A. Slavery (April-October 1996)

10. Detailed reports on slavery, the slave trade and similar practices continued to reach the Special Rapporteur after the renewal of his mandate in April 1996. For instance, on the days when the vote on the extension of the mandate took place in Geneva at the Commission on Human Rights, the PDF captured scores of villagers from different locations in the Aweil-Wedweil area, along the Babanusa-Wau railway, who had gathered in the hope that a United Nations train distributing food was approaching. The Special Rapporteur reported in previous years on similar events which had taken place in that area under the same circumstances. At the end of October 1996, raids and abductions were again reported while a government train guarded by the military and PDF proceeded northward from Wau. Six villages were reportedly destroyed on the eastern side of the railway line, between Ariath and Maker, with 5 people killed and 20 women and children abducted.

B. Bombardments (June 1996-January 1997)

11. During the period under examination, Operation Lifeline Sudan (OLS) continuously reported bombardments by government aircraft in southern Sudan. These reports, along with information from a large number of other reliable sources, continued to confirm the indiscriminate and deliberate character of these attacks, which are concentrated on civilian targets.

12. These bombardments cause massive displacement, a large influx of Sudanese refugees into the neighbouring countries, and disruption of humanitarian activities in the area. On 10 July 1996, at a press conference in Nairobi, an international non-governmental organization presented parts of what it claimed to be a cluster bomb dropped together with 11 other similar devices on Chukudum and surrounding areas in southern Sudan. Bomblets reportedly fell next to the primary school and the Roman Catholic church on 17 June 1996. In the last three years, Chukudum has been a priority target of the Government's Antonovs. According to a local source, the village has been bombarded 17 times since August 1993, when the bombardments started on a greater scale and on a continuous basis in southern Sudan. The Government has denied the use of cluster bombs.

C. Amnesty (June 1996)

13. Sudanese media reported on 12 June 1996 that the President of the Sudan, during a speech at a PDF graduation ceremony in southern Kordofan State, had renewed a December 1995 amnesty offer to southern rebels. The call was repeated in December 1996. The Special Rapporteur has received consistent reports that in past years southerners arrested and detained by Sudanese security are often offered freedom, after interrogation under torture, if they

agree to join the PDF. For Christians or believers in traditional African religions, this means in most cases mandatory conversion to Islam and a return to the south to fight the war.

14. The story of J.D. (35) is common and illustrative of this phenomenon. J.D., a driver, was captured during a joint army-PDF attack which took place on 24 May 1995 on the village of Malik in Bahr al Ghazal. Taken to Wau, J.D. was detained in the military barracks near the airport for 20 days, together with 16 men and 2 women. They were often severely beaten by the soldiers. On 15 June 1995, J.D. was put on an aircraft bound for Khartoum, where his detention continued in the security quarters of Kober prison. (The witness provided the Special Rapporteur with an account of the treatment of former Prime Minister Sadiq al Mahdi, who had been detained in Kober prison from May to August 1995, confirming previous reports.) From Kober the witness was periodically taken to the security headquarters for interrogation, during which he was tortured by being beaten or suspended for hours by his hands held together above his head. (It should be mentioned that this testimony corroborates testimony received from several others who were detained since 1995 in the newly created security wing in Kober prison. Testimonies indicate that torture was not practised at that time in Kober; detainees were usually taken to one of the security offices or secret detention centres, called "ghost houses", in Khartoum for this purpose.) After one month in Kober prison, J.D. was finally transferred to a military camp in Girba, north of Kassala, where the security officials offered to cease the investigation and release him from detention if he agreed to join the PDF. He accepted this offer, but after almost one year he decided to defect and, on 18 August 1996, he walked to Umm Hager in Eritrea.

15. It should be mentioned that Khartoum media sources reported in early December 1996 that the National Congress wanted the former exiles and ex-rebels to face trial. On 5 December 1996, Lt. General Muhammad al Sanousi reportedly announced that in fact they would be tried, contradicting the above-mentioned declarations of the President concerning an amnesty in which he stated that people who had taken up arms against the State would be pardoned if they laid down their weapons.

16. On 30 June, the official national day, 250 prisoners were reportedly released from prison. The Special Rapporteur was informed during a meeting with representatives of the Consultative Council for Human Rights that on independence day 1996, 292 prisoners had been released from prisons from all over the country, and that 560 had been released from Omdurman prison women's section. The Consultative Council for Human Rights also informed the Special Rapporteur that on 11 January 1997, 35 prisoners had been released from Kober prison, all Sudanese nationals convicted in Iraq for different offences and transferred earlier to the Sudan.

D. Amputations (June 1996)

17. On 30 June 1996, the Khartoum daily newspaper al-Rai al-Akher quoted Major General al-Saikh al-Rayah, the Director-General of the prison administration, to have said that amputation of hands of convicted thieves would resume within days. The Director-General also reportedly said that in recent years only 3 amputations had been carried out, but that there

were 100 cases in which the convicted thieves had retracted their confessions, thereby delaying the execution of the penalty, in accordance with Shariah. In a meeting with Major General al-Rayah, however, which took place at the Ministry of Justice on 13 January 1997, the Special Rapporteur was told that whereas since 1989 only 3 amputations had been carried out, only 12 cases had been delayed due to retraction of confessions. As of 1 January, there were no similar cases, according to the Director-General of the general administration of prisons.

E. Arrests, torture and lack of due process of law (June-July 1996)

18. Between 18 and 24 June 1996, 15 suspected political opponents of the regime were reportedly arrested and detained in the security wing of Kober prison in Khartoum.

19. Engineer Moneim Attia was arrested on 8 July 1996 by the Sudan security and accused of being one of the organizers of the student demonstrations which were taking place. After a period spent in detention Mr. Attia was released, but shortly after his release he was summoned every day in the early morning to the security headquarters in Bahri, Khartoum, and obliged to stay there until late in the evening. The Special Rapporteur met Mr. Attia on 3 August 1996 before he reported to the security office and received from him confirmation of the complaints he had submitted earlier to the office of the Attorney General, which included references to other persons who were detained with him. The Special Rapporteur raised this case with the Attorney General during his August 1996 visit, but as of the completion of the present report he had not received any response from the competent authorities.

20. In the first half of July 1996 several others were detained at Bahri security headquarters in Khartoum on the charge of inciting and organizing student demonstrations. One of them, H.A.N. (34), told the Special Rapporteur that he was detained for six days in July 1996 at the security headquarters in Bahri and charged with being one of the organizers of the student demonstrations. During his detention he was subjected to ill-treatment and torture: he was held in a dark room in isolation where he received no food for three days, cold water was poured on his naked body during the night and he was frequently beaten on his legs with a stick. Although he heard the shouts and screams of other detainees being tortured, he was not able to estimate the total number of detainees because he was isolated from the other detainees. H.A.N. was finally released without being tried and was expelled from Khartoum. He left the Sudan on 7 September 1996.

21. Testimonies indicate that torture continued to be practised constantly in 1996. In the numerous reports and testimonies received by the Special Rapporteur, most of the victims are suspected political opponents or accused of being involved in anti-Government activities, arrested without a warrant or concrete charges, detained and never tried. In all reported cases, following their release from detention, victims lost their jobs, were scrutinized and harassed by the security forces and, in most cases, obliged to flee the Sudan because life had become impossible for them. In this category of victim were highly qualified intellectuals, teachers, students, businessmen and workers, some of whom were members of the banned trade unions, southerners and

northerners, Muslims and Christians, members of banned political parties and people who previously had nothing to do with politics. A.T.A. (53), a teacher who left the Sudan on 26 December 1996, provided testimony to the Special Rapporteur about his detention and torture by members of the security forces between 14 January and 21 May 1996. Arrested on the street while driving his car, he was severely tortured soon after his arrival at the security headquarters. The torture consisted of flogging with PVC pipes, kicks, pouring cold water on his naked body, not being allowed to sleep for days and being lifted and suspended parallel to the ground with his hands and ankles tied together behind his back. Many times during his detention the security officials threatened members of his family. After being detained for one month in these conditions, he was finally transferred to Kober prison where the torture stopped, but he was not allowed visits by family members and was denied medical attention. Before his release, which took place at Khartoum-East police station, he was finally told that he was suspected of having revealed military secrets, and he was told that they "would boil him alive", if he were caught again.

22. On 13 July 1996, at least 29 persons were reportedly arrested in Wad Medani. Some of the arrested were reportedly transferred to an unknown location in Khartoum.

23. On 21 September the newspaper al-Ingaz al-Watani quoted a military spokesman who reported that 40 people, including 33 military men, were on trial for alleged involvement in a failed coup d'état led by Colonel Abdel Karim Elnagar. A defence team of 17 lawyers was representing the defendants before the military court, which was holding its sessions at the buildings of the general command of the armed forces.

24. Prior to this statement, Human Rights Watch/Africa, in a letter dated 12 September 1996 addressed to the President of the Sudan, had expressed concerns about reports on this trial:

> "We have learned that there is now a secret trial under way in Khartoum against thirty-one persons accused of violations of the Criminal Code of 1991 and the People's Armed Forces Act 1406 (1986). This trial, referred to as the trial of Col. Awad al Karim Omar Ibrahim Elnagar and others, began in late August. It is being held in camera in the military intelligence school at army headquarters in Khartoum with three military officers as judges, only one of whom is said to be a qualified lawyer, who is a member of the Military Justice Corps. No observers are being permitted.
>
> "The defendants, detained in February 1996 but not charged with any crime until August 1996, are alleged to have been involved in a coup attempt. The crimes with which they are charged, waging war against the state and mutiny, carry the death penalty. Human Rights Watch opposes the death penalty.
>
> "We have received reports that some of the thirty-one defendants are retired army personnel, including one retired Major General (Babiker Khalifa Jalli) and some retired non-commissioned officers. There are also four civilians who were never officers, two of whom are

Ossama Ghandi (a television cameraman and photographer) and Haj Mohamed (a building site guard). We question the appropriateness of using a military tribunal to try former military officers and civilians. The occupation of the cameraman gives rise to the question of whether his arrest and trial might be related to his professional duties and constitute an abridgement of freedom of the press.

"All the defendants were reportedly tortured and coerced into signing confessions. Such statements should not be used in evidence against the defendants; to do so would be a grave violation of their rights. While the defendants have been permitted to be represented by advocates of their choice, we are concerned that due process is not being observed."

25. In a meeting on 13 January 1997, the Prosecutor General of the Sudan informed the Special Rapporteur that the trial was going on and that defence counsel had been guaranteed to all defendants.

F. Hostage-taking (September 1996)

26. On 25 September 1996 a dissident SPLA group led by commander Lam Akol abducted two relief workers of the Sudanese organization Humanitarian Relief Aid. The relief workers were released on 3 October. The release was secured with the help of the World Food Programme, which has contacts with the dissident SPLA faction.

27. On 1 November 1996, members of another dissident SPLA group led by commander Kerubino Kwanyan Bol, a signatory to the 10 April 1996 peace charter and a political ally of the Government, seized an aircraft of the International Committee of the Red Cross which had landed by mistake at Wunrock airstrip and kidnapped three Red Cross workers and five SPLA-Mainstream soldiers who were returning from an ICRC hospital in Lokichokio, Kenya. Commander Kerubino accused the ICRC of transporting enemy soldiers, arms and ammunition into southern Sudan, a charge denied as completely baseless by the ICRC. After more than five weeks of detention Kerubino agreed to release the Red Cross workers for a ransom consisting of five tons of rice, four Jeeps, nine radios and a health survey in some of the villages under his control. There has been no news of the fate of the five SPLA soldiers. The Special Rapporteur is not aware of any attempt by anyone to raise legal questions regarding the responsibility of commander Kerubino and his men for the kidnapping, which is a violation of Sudanese national legislation and a serious breach of international humanitarian law.

G. Arbitrary detention and summoning to the security offices (November 1996-January 1997)

28. Reports indicated that five individuals, among them leaders of the Umma Party and members of the Ansar Islamic order, were arrested on 19 November 1996 and several others were summoned to the security headquarters in Khartoum and subjected to degrading treatment during 24 hours of detention. According to the latest information received by the Special Rapporteur, as of 24 November, those arrested were still in detention. Due to his early departure from Khartoum, he was unable to obtain updated information on these detainees.

29. Seven prominent leaders of the Umma Party were arrested on 31 December, among them Abdul Rasun an Nur, Abdalla Abdel Rahman Nugdalla, Fadlalla Burma Nasir and Adam Yousif, who were all released on 1 January without interrogation.

30. However, widespread arrests took place in Khartoum and other major towns in the north beginning on 13 January 1997. The above-mentioned four leading Umma Party personalities were again arrested. The Special Rapporteur received information during his January 1997 visit to Khartoum that former Interior Minister Fadlalla Burma Nasir was severely tortured, along with 23 Umma, Democratic Unionist and Sudan Communist Party leaders, religious leaders of the Ansar order, lawyers and trade unionists. The Imam of the al-Ansar mosque, Mahamed al-Mahdi, was among those arrested. The Special Rapporteur was told by sources in Khartoum that there were serious reasons to believe that the majority of those arrested were subjected to torture or other ill-treatment.

31. After the Special Rapporteur left Khartoum, he continued to receive reports on further arrests; the number of those reported to have been detained during this period range from 50 to more than 200. On 17 January 1997 the Special Rapporteur on the question of torture and the Special Rapporteur on the situation of human rights in the Sudan sent a joint letter to the Government of the Sudan expressing concern about the situation of 27 Sudanese citizens whose detention was reported by several sources.

32. According to reports received in January 1997, besides the practice of summoning suspected political opponents to the security headquarters every day early in the morning and releasing them late in the evening, night-time summoning to the security headquarters became a constant feature in Khartoum and other major northern Sudanese towns during the second half of 1996.

H. Reports on summary executions (August 1996)

33. On 15 August 1996, 65 civilians and active and retired officers were arrested in Port Sudan. The authorities acknowledged the arrest of 19 persons who were charged with "plotting subversive activity" in Port Sudan and the surrounding area. The Special Rapporteur received conflicting reports regarding certain of the details of this event, but some of the sources indicated that some of the detainees had been taken to unknown places where they were said to have been summarily executed at the end of August. The letter quoted below from Human Rights Watch/Africa refers to this case while also seeking approval for its representatives to visit the Sudan (which had not been granted as of the completion of the present report):

> "While in Sudan, we would greatly appreciate the opportunity to interview the eleven military officers alleged by the Democratic Unionist Party in Cairo to have been summarily executed on 18 August 1996, and said by your government to be alive and well. The executed officers are said to include Maj. al Dardiri Haj Ahmad, Maj. Salah Karboni, Lt.Col. Ali Abbas Ali, Lt.Col. Mohamed Mahmud, and Maj. Taj al Sir Sarbil, among others.

"We understand that these officers are part of a group of alleged coup plotters in custody since July and August 1996, referred to as the Port Sudan group and consisting of some twenty-one military personnel, the highest-ranking said to be Col. Gamal Yusuf and Lt.Col. Ali Abbas Ali (the latter said by the opposition to have been executed). If they have not yet been tried, and if your government is to try them, we would like to send observers to that trial as well. If they have been tried, we would appreciate the opportunity to interview those who are still in custody, as well as the judges and prosecutors involved in the trial."

34. In his meeting with representatives of the Ministry of Justice and the Prosecutor General on 12 January 1997, the arrest and charges, which were described by the government officials as "very grave and serious", were confirmed. It was mentioned that as of 13 January 1997 the investigations, conducted in Khartoum, had not been completed. The trial, however, was expected to begin at the end of January 1997. It was vigorously denied that any of the arrested group had been executed.

I. Freedom of the press (July 1996)

35. On 13 July, authorities in Khartoum announced that they had permanently shut down the privately owned daily al-Rai al-Akhar for publication of subversive articles.

J. Darfur tribal clashes (August 1996-January 1997)

36. Several sources reported in this period serious inter-tribal clashes and fighting in western Darfur between the Rizeighat, Missirya and other smaller Arabic nomadic tribes on the one hand, and the Zaghawa and Massaleet tribes on the other. The Special Rapporteur was told by one source that animosities between the tribes living in western Darfur had deepened in 1995 after the administrative reorganization of the Sudan. Former larger federal states were divided into smaller entities. In western Darfur, three new states had been created, with local governors nominated by federal authorities in Khartoum. These governors usually originated from other parts of the Sudan. The new administrations reportedly favoured in some instances the nomadic Arab tribes to the detriment of the Zaghawa and the Massaleet, for example by promising them land rights in areas traditionally inhabited by the latter. The first major incident reportedly took place in August 1995 when groups of nomadic tribesmen armed with guns attacked villages of the Massaleet (known as a traditional constituency of the opposition Umma Party, banned after 1989). Three Massaleet villages were reportedly burnt to the ground (Magmara, Orbey Etitei and Kasegeney) and several persons killed on both sides in two days of fighting. The local governor in Al Ginaina had promised to take action, but no measures were taken to settle the conflict. After this event, incidents took place on a regular basis, culminating in a major clash between the same parties in August 1996. Shushta and some of the surrounding villages were completely burnt down. The number killed during this incident was 294 Massaleet and 74 belonging to the Missirya, Rizeighat and other nomadic tribes. In November 1996, a reconciliation meeting was held under the auspices of the federal Government. Government representatives from Khartoum reportedly stated that any further incident would be treated as a criminal act

and followed by the commensurate punishment. Despite this announcement, during the first week of January 1997, new clashes occurred. Five villages were reportedly destroyed: Aesh Barra, Hashaba, Deta, Tarchana and Gondo. According to the Sudanese media, a statement issued on 13 January by the Legislative Assembly of Western Darfur State condemned the attempts to instigate riots and destabilize the situation. The statement called upon all parties to respect the November 1996 reconciliation agreement between the Massaleet and the Arab tribes. A Sudan News Agency (SUNA) report was also quoted as saying that three had been killed and several others injured in Al Genaina, capital of western Darfur, during the week of 6 to 12 January. The Minister of Justice announced the formation of a fact-finding committee to investigate the incidents.

37. Khartoum-based newspapers reported on 27 September 1996 that Rizeighat tribesmen had attacked al-Musarat village (Al Daien province) and burned down houses of Zaghawa tribesmen. Two people reportedly were killed. The government newspaper al-Sudan al-Hadith reported on 4 October 1996 that the Zaghawa and Rizeighat tribes had signed a truce in the presence of an emissary from Khartoum and the Governor of South Darfur State, Abdelhalim al-Mutaazi, following September fighting which reportedly caused the death of an estimated 60-100 people and the displacement of 15,000 others. The tribes, accusing each other of armed robbery, reportedly had been fighting over water and grazing lands.

38. On 17 October 1996, the private Khartoum newspaper al-Rai al-Aam quoted Gamar Hassan al-Tahir, a member of the National Assembly who originates from western Sudan, as saying that clashes had taken place between the Massaleet and Arab tribes that had migrated from Chad. The cause of the fighting and the number of victims were not mentioned, but Mr. Tahir did not rule out personal and political motives, according to the newspaper report.

K. Indiscriminate killings of Sudanese refugees and abductions from camps in northern Uganda (August and November 1996)

39. Following a fact-finding mission in northern Uganda between 15 and 23 November 1996, the United Nations Department for Humanitarian Affairs (DHA) issued a report stating that the northern third of Uganda was in a "state of crisis" and attacks by two Ugandan rebel troops, the Lord's Resistance Army (LRA) and the West Nile Bank Front (WNBF), constituted grave abuses of human rights. For years consistent reports have indicated that both groups had bases in and operated from Sudanese territory. The Government of the Sudan, however, consistently denied any relationship with these groups. Nevertheless, the DHA report stated that according to UNICEF data gathered during 1995 and 1996 an estimated 3,000 schoolchildren had been abducted by LRA and WNBF for recruitment purposes and hundreds of civilians had been massacred. Sudanese refugees in camps in northern Uganda were often among the targets of these acts.

L. Ahlia University (July-August 1996)

40. Unrest continued in the private Ahlia University in Omdurman in 1996, culminating in violent clashes between different student groups on one hand, and on the other, between security forces and students considered to be

opponents of the Government. Following the largest student demonstrations of the 1990s in September 1995 in Khartoum, which resulted in the death of at least five students and the arrest of hundreds by the security forces (see E/CN.4/1996/62, para. 13), Ahlia University was once again closed down between November 1995 and January 1996, which is when the elections for the student union were scheduled to be held. After the university was reopened, violent clashes reportedly took place on 8 August 1996. Clashes reportedly also occurred on 22 August, when a fire devastated some classrooms, auxiliary buildings and the office of the vice-chancellor. Fifteen students were dismissed and several others disciplined by the university after being found responsible for the fire. During August and September 1996, security and police forces reportedly arrested scores of students. In some cases, torture or ill-treatment during detention was reported. On 29 August, the security organs ordered the closure of the university. After 13 January 1997, however, all universities were closed by the Government in order to allow students to enrol in the PDF units and to fight the war in southern and eastern Sudan.

M. Children round-up (July 1996)

41. Sources in Khartoum reported during the visit of the Special Rapporteur in August 1996 that in July 1996 the Khartoum State Government had rounded up about 3,000 children from the streets and kept many of them temporarily in Kober prison before transferring them to one of the special camps for children which, despite official denials, continued to function. For instance, in December 1996, in the camp of Abu Dhom, on which the Special Rapporteur reported extensively in his 1994 report, there were 775 boys. (This number was around 640 in October 1996 and 431 in September 1993; see E/CN.4/1994/48, para. 92.) International humanitarian organizations and UNICEF Khartoum all agree that Abu Dhom camp should be closed as soon as possible because of the inhuman conditions that exist and that the issue of street children should be addressed seriously and without delay by the competent government authorities in cooperation with the international community.

N. Riots (September 1996)

42. Press reports of 3 September 1996 stated that the police arrested several students who had staged anti-Government protests at the medical faculty of Khartoum University. Demonstrators reportedly threw stones at police, who fired tear-gas and shot in the air to disperse them. No casualties were reported.

43. On the same day, the Government-owned al-Ingaz al-Watani reported that a criminal court in Khartoum had sentenced 35 people to between 15 and 20 lashes for participation in bread riots which had taken place in and around Khartoum on 1 September, in which two people were killed and several others injured, including three policemen.

O. The rights of women (October 1996)

44. On 23 October 1996, several independent sources reported that a Public Order Act was approved by Khartoum State Council, following the submission of a report by its Security Services Sub-Committee. The legislation provides, inter alia, that on public transportation vehicles women should not sit on the

seats that are near the drivers; in public gatherings, including those organized in schools, farms, educational institutions and clubs, women should be separated from men by curtains; in demonstrations and rallies, special places and routes should be kept separately for women; women are not allowed to move around markets in the evenings if they are not accompanied by their husbands or a male relative; women are only allowed to practise sport in closed places away from men; in public places people are not allowed to sit together in a manner that leads to suspicion; people are not allowed to stay without a good reason on roads that lead to girls' schools or any women's gathering places; all places and shops that provide services to girls' schools are to keep the shop entrance open wide, the internal lighting should be adequate and coloured glass should not be used for the entrance. Coeducation, including in private education institutions, is also prohibited by the Act. In a meeting on 13 January 1997 with representatives of the Ministry of Justice and the Prosecutor General, the Special Rapporteur was told that this piece of legislation was part of the broader Public Order Act of 1996 adopted at Khartoum State level, regulating a large number of issues, including permits for street vendors and approval for private gatherings and celebrations which might affect the public order.

45. According to media reports on 5 December 1996, the President of the Sudan ordered the release of nearly 200 women from Omdurman prison. State television reportedly showed the prisoners, "some carrying babies, shouting with joy when the Sudanese Justice Minister Abdul Basit Sabdarat announced the presidential decree Wednesday night". Most of the inmates were southern women sentenced for making or selling alcoholic drinks. The Special Rapporteur in his previous reports repeatedly addressed the desperate situation of the women's section of Omdurman prison, which he visited twice in 1993. The prison was designed to house less than 100 prisoners, but during the last three years the number of inmates was constantly over 600, in comparison with the years before 1989 when less than a dozen women were detained in the prison at any one time. Except for periodical releases, it appears that the competent authorities did not undertake any measures to improve the situation or to deal with the social causes of this phenomenon, which overwhelmingly affects southern women living in Khartoum.

P. Freedom of religion and conscience (December 1996-January 1997)

46. Regarding the freedom of religion and conscience in the Sudan in 1996, the Special Rapporteur fully supports the conclusions and recommendations of the Special Rapporteur on religious intolerance, contained in his report to the General Assembly (A/51/542/Add.2). During his brief January 1997 visit to Khartoum, the Special Rapporteur learned that the legal situation of Christian churches has not been modified despite vigourous protests by those affected by the discriminatory measures imposed since 1994. As of 1 January 1997, the Sudan Council of Churches (SCC) reportedly was denied the right to distribute food in the camps for displaced persons around Khartoum. The Special Rapporteur was told by church personnel working with the displaced that harassment by members of the security forces and local authorities had intensified, particularly during the previous months.

47. On 7 December 1996, the Committee of Social Planning of Khartoum North ordered the demolition of the Catholic Centre of Dorushab, where 650 boys and girls attended school and 74 catechumens have regular classes of religious education. According to the detailed report received, confirmed by testimony in Khartoum, no writ was presented when a bulldozer started the demolition. It was said that the Committee had decided to clear the grounds to build better roads. When the parish priest arrived, the boundary walls, the teachers' room and the storeroom had already been reduced to rubble. On Sunday, 29 December 1996, four lorries of armed soldiers reportedly surrounded the place and a bulldozer completed the demolition started on 7 December. On 4 January 1997, four military officers accompanied by about 60 policemen in two lorries, two Toyota pick-ups and a bulldozer arrived at the site of the school at Sitta Abril and ordered its complete demolition. In one hour everything was reduced to rubble. Books, copybooks and other educational material were either destroyed or taken away by the policemen. On 8 January 1997, the officer supervising the 4 January destruction went back to Sitta Abril and ordered the destruction of the four shelters made of wooden poles and straw mats set up as makeshift classrooms and arrested the headmaster and seven teachers. School benches, tables and cupboards were also reportedly smashed under the bulldozer. The same day, 8 January, the school at Hara 48 was subjected to the same treatment and the catechist of Dorushab was arrested without warrant.

Q. Indiscriminate killings of civilians, devastation of villages (January 1997)

48. After 12 January 1997, the intensification of the military operation and the escalation of fighting in Blue Nile province have reportedly culminated in the destruction of villages, indiscriminate killing of civilian men, women and children and massive displacement of people from the southern Blue Nile region. This process started some 10 months ago when, on 17 March 1996, the SPLA-Mainstream captured the town of Yarus. Since then, the Government has responded by sending into the area regular army units, the PDF and tribal militias together with groups belonging to the Riak Machar-led Southern Sudan Independent Army (SSIA), a signatory to the 10 April 1996 peace charter. The result was the shelling and bombardment of several villages and settlements. Those burnt to the ground since April 1996 include Khartoumbak, Gasmala, Khadija, Mamour, Chatta, Tomaji, Dangaji, Leka, Liem, Kanjaji, Kweji and Doumiji, all with a population of at least 3,000 before the attacks commenced. During the second half of 1996, several sources indicated an increasing influx of refugees into neighbouring Ethiopia. Reports in January 1997 indicated that in the area approximately 50,000 persons had been displaced, seeking refuge in SPLA-controlled areas, and some 5,000 fled to Ethiopia. Estimates of the number of killed and other casualties were not available as of 22 January 1997 when the present report was finalized. For some time international organizations have been prevented from entering the area. Footage by press correspondents who managed to reach some of the places referred to above and broadcast on CNN on 19 January 1997 revealed a dramatic situation that can only be described as a humanitarian disaster.

II. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

49. At its fifty-first session the General Assembly adopted resolution 51/112 in which the Assembly expressed deep concern at the serious, widespread and continuing human rights violations in the Sudan, including extrajudicial killings and summary executions, detentions without due process; violations of the rights of women and children; forced displacement of persons; enforced or involuntary disappearances; torture and other forms of cruel and unusual punishment; slavery, practices similar to slavery and forced labour; denial of the freedom of expression, association and peaceful assembly; and discrimination based on religion.

50. As mentioned in his previous report, the Special Rapporteur continued to receive reports and information on grave and widespread violations of human rights and fundamental freedoms by government agents, and abuses and atrocities committed against the life, liberty and security of individuals by members of different parties to the armed conflict in the country other than the Government of the Sudan in the areas under their control. The relative number in the given time-frame of these reports did not decrease, nor did their content change. According to the information received, the situation of political and civil rights and fundamental freedoms has not improved: arbitrary arrests have taken place on a massive scale in Khartoum and other major towns in the north; detention without due process was prevalent; torture and degrading treatment was often reported; freedom of association, assembly and movement were severely restricted and, where tolerated, tight government control was exercised, accompanied in most cases by the arbitrary acts of those in charge of the implementation of relevant government measures. Although the Government of the Sudan in past years made little reference (in the few cases when it provided a written reply to problems raised in relation to the respect for political and civil rights) to Constitutional Decree No. 2 of 1989, which established the state of emergency in the country, it is worth mentioning that this Act is still in force.

51. Despite official statements recognizing the freedom of conscience and religion, as mentioned above, serious abuses took place recently and a confusing situation is maintained within the legislation. Provisional Order No. 4/1994 (Miscellaneous Amendment of the Organization of Voluntary Work-Societies Registration Act of 1957 and the Organization of Foreign Non-Governmental Voluntary Work in the Sudan Act of 1988), signed by the President of the Republic, defines a "society" as a "voluntary organization of thirty or more persons established to carry out voluntary work of [a] social, scientific, educational, research, cultural and religious purpose" (art. 2.1.a.2). According to article 2.2.2, a "voluntary organization" means "any foreign voluntary organization whose purpose is to carry out work the nature of which is social, scientific, educational, research based, cultural, technical or religious and which is registered under this Act". A government commission is being established which, inter alia, "Shall undertake: (a) registration of non-governmental or semi-governmental voluntary organizations of regional or international character and whose activities go beyond one state; (...) (b) scrutiny of the correctness of information which may be presented by a voluntary organization and may, in discharging this

duty, summon any person to appear before it; (...) (e) supervision of voluntary work and ensuring follow-up of all activities of voluntary organizations and to review and evaluate them; this shall include evaluation of all those working with such organizations" (arts. 3 and 4).

52. The repeal in 1994 of the 1962 Missionary Act, which was considered discriminatory by Christians in the Sudan, raised the hope that positive developments would take place. Nevertheless, instead of the religious dialogue promised by the President of the Sudan in December 1994, there have been repeated attempts during the past two years on behalf of different government agencies and organs to apply the quoted articles of the new legislation to the Catholic Church and other Christian Churches and denominations in the Sudan, both as distinct entities and at the level of dioceses. The Sudanese Christians and their Churches and organizations have suffered several disadvantages and have been subjected to discriminatory measures in the past years, the last one reported being the above-mentioned denial of the right to distribute food to those in need by the Sudan Council of Churches. Harassment of believers and church personnel by government agents intensified, including interruption of prayers and religious processions. The Sudan Catholic Bishop's Conference, in a statement entitled "The Miscellaneous Amendment of the Organization of Voluntary Work Act 1994: Position of the Catholic Church", dated Khartoum, 2 February 1995, summarized its main objections as follows: "We reject the Miscellaneous Amendment (Organization of Voluntary Work) Act 1994 because: (1) The Church is not 'a foreign voluntary organization whose purpose is to carry out work the nature of which is ... religious' as specified in the Act in articles 1.2 and 2.2. (...) The Church is not an institution based on numbers ('thirty or more'): where there are two or three Christians, there is the Church; (3) The lack of consultation in the process of introducing the new law reveals that the Government of the Sudan has not realized [that] the deep feelings and the resentment of the Christians against the discriminatory 'Missionary Societies Act of 1962' are rekindled by the 'Miscellaneous Amendment (Organization of Voluntary Work) Act 1994'."

53. Taking into account, in addition to the above, the continued reports on the enforced Islamization of Christians and believers in traditional African religions carried out in the Government-controlled areas in the south, camps for children, PDF training camps and displaced settlements in the north, the Special Rapporteur can only conclude that the situation regarding the freedom of religion and conscience has further deteriorated.

54. Regarding the situation of children, despite the fact that a National Council for Child Welfare was created in 1996, closely associated with the Ministry of Social Planning (see A/51/490, para. 33), the Special Rapporteur had not received any communication by the completion of his report on any concrete measure taken or any programme implemented to improve the situation described in previous reports. The practice of rounding up children and taking them to isolated camps continued according to reports received in 1996. Despite the dramatic situation, widely acknowledged by all those working in this field in Khartoum, in the camp of Abu Dhom, the camp has not been closed. The Special Rapporteur expresses his support, and urges the international

community to give its full support, to the efforts of UNICEF Khartoum and international organizations working with it and of UNICEF Nairobi to improve the living condition of children all over the Sudan.

55. The rights of women have always been among the priorities addressed in the previous reports. The cited Public Order Act adopted at Khartoum State level in October 1996 raises very serious questions regarding the freedom of movement of women living in the capital city and the surrounding area. Sources in Khartoum referred to this legislation as instituting "strict sexual segregation in public". It is to be seen how certain provisions of this Act will be implemented, for instance, at public gatherings, theatres and cinemas, where a curtain must separate the men from the women, or the provision which prohibits men from walking along streets leading to schools for girls or places where women gather unless they have a good reason. Other developments, such as the dismissal in June 1996 of 150 women, including some of Sudan's most renowned female journalists, out of 200 workers who lost their jobs at two State-owned media houses, raise concerns of discrimination against women on a political basis and certainly do not contribute to a favourable environment for the respect of the rights of women in the Sudan.

56. With regard to reports of slavery and institutions and practices similar to slavery, in 1996 a Special Investigation Committee was established by the Government of Sudan (see A/51/490, paras. 8-22). The Committee was expected to issue its first report to the Consultative Council for Human Rights (A/51/490, para. 6) by 15 August 1996. As of the completion of the present report, the Special Rapporteur had not received any communication from the Government in this regard. In addition to reports and information on cases of slavery and slavery-like practices in Bahr al Ghazal and southern Kordofan provinces described by the Special Rapporteur in his previous reports to the General Assembly and the Commission on Human Rights, and recent abductions of Sudanese refugees, mainly children from refugee camps in northern Uganda (as described above in para. 39), he brought to the attention of the Government of the Sudan other recent cases in two letters addressed to the Government in September and December 1996. These letters remained unanswered. Thus, it is to be concluded that although the issue has at least been considered since April 1996 by some government organs and agencies, a huge gap continues to exist between words and facts. Therefore, the Special Rapporteur sees no other possibility than to reiterate the conclusion formulated in his previous report to the Commission on Human Rights:

> "The Special Rapporteur cannot but conclude that the abduction of persons, mainly women and children, belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassema Hills areas, their subjection to the slave trade, including traffic in and sale of children and women, slavery, servitude, forced labour and similar practices, are taking place with the knowledge of the Government of the Sudan. The manifest passivity of the Government of the Sudan in this regard after years of reporting and repeated calls upon it by United Nations organs and international non-governmental organizations cooperating with the United Nations, and its failure to take any measures to protect Sudanese citizens from these practices lead to the conclusion that abductions, slavery and institutions and practices similar to slavery are carried out by persons acting under the

authority and with the tacit approval of the Government of the Sudan. The overwhelmingly racial connotation of these phenomena and the fact that the abductions take place mostly in a war affected area are to be considered as particularly aggravating circumstances" (E/CN.4/1996/62, para. 89).

57. Indiscriminate and deliberate aerial bombardments of civilian targets in southern Sudan by government air forces was continuously reported by Operation Lifeline Sudan and several other sources during 1996. The bombardments appear to have intensified during this period, causing massive new displacement, waves of refugees to neighbouring countries and repeated disruption of humanitarian activities.

58. Taking into consideration all the aspects of the situation as described by the reports received and the direct experience and findings of the missions of 1996 and 1997 to the Sudan, Eritrea and Egypt, the Special Rapporteur concludes that the seriousness and the general deterioration of the situation of human rights all over the Sudan require continuous and intensified monitoring and consideration by the United Nations.

B. Recommendations

59. In the light of the above conclusions, the Special Rapporteur recommends that:

(a) The Government of the Sudan comply with its human rights obligations under international law and take steps to give effect to the recommendations made by the General Assembly and the Commission on Human Rights in resolutions on the situation of human rights in the Sudan. In this respect, the Special Rapporteur recalls Commission resolutions 1994/79, 1995/77 and 1996/73, in which, inter alia, it called upon the Government to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoyed fully the rights recognized in those instruments;

(b) The Government of the Sudan cease immediately the deliberate and indiscriminate aerial bombardments of civilian targets;

(c) The Government of the Sudan release all political detainees and prisoners, cease all acts of torture and cruel, inhuman and degrading punishment and close down all secret detention centres, ensure that all accused persons are granted due process of law and that lawyers and family members are allowed to visit detainees, ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accede to the Convention on the Elimination of All Forms of Discrimination against Women, and sign the Optional Protocol to the International Covenant on Civil and Political Rights and the Protocol II Additional to the Geneva Conventions of 1949;

(d) The Government of the Sudan ensure that its security forces, army, police forces, PDF and other paramilitary or civil defence groups are properly trained and act in compliance with the standards set forth in international law, and that those responsible for violations are brought to justice. In this connection, the Special Rapporteur calls for a thorough investigation of all reported cases of violations, in particular those of which women and children are victims, the investigation by an independent judicial commission of inquiry of the killings of Sudanese employees of foreign organizations, the bringing to justice of those responsible for the killings and the provision of just compensation to the families of the victims;

(e) The Government of the Sudan immediately stop the rounding up of children from the streets in major towns under its control, release all children from special camps or any other places where they are being held against their will, and make all efforts necessary to reunite them with their families and to ensure proper and decent living conditions for orphans. The Special Rapporteur wishes to recall in this regard paragraph 10 of resolution 1995/77 and paragraphs 9 and 10 of resolution 1996/73 of the Commission on Human Rights and paragraph 3 of resolution 51/112 of the General Assembly, in which the Government of the Sudan was urged to terminate policies or activities that support, condone, encourage or foster the sale of or trafficking in children, the separation of children from their families and social backgrounds, or that subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment. The Government of the Sudan should also urgently revise its general policy concerning children living or working in the street, intensify cooperation with UNICEF and international organizations working in this field in the Sudan, clarify its legislation in this regard and make sure that the applicable laws are in full conformity with the Convention on the Rights of the Child;

(f) The Government of the Sudan provide free access to all areas of the country, in particular to the Nuba Mountains, the Ingassema Hills region and all locations in southern Sudan, to regional and international humanitarian organizations and representatives of human rights organizations, including human rights field officers, as envisaged in Commission on Human Rights resolution 1996/73 and General Assembly resolution 51/112;

(g) The Government of the Sudan, through its Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, carry out a thorough and comprehensive investigation of reported cases of slavery and institutions and practices similar to slavery, in line with paragraphs 3-5 of General Assembly resolution 51/112. In this regard, the Special Rapporteur wishes to reiterate the recommendations formulated in his interim report (A/51/490, para. 51) regarding the activity of the Committee and the Consultative Council for Human Rights;

(h) The Government of the Sudan and the other parties to the armed conflict in the Sudan agree as soon as possible on a cease-fire. The Special Rapporteur also calls upon all parties to the conflict to prevent violence by their agents against civilians, including torture, extrajudicial executions and other deliberate and arbitrary killings, and arbitrary detention. The

Special Rapporteur calls upon all involved parties to apply strictly the agreements reached with OLS regarding unimpeded delivery of relief to those in need. The Special Rapporteur recommends to the Commission on Human Rights to urge all parties to the conflict to begin negotiations on the enlargement of the existing tranquillity corridors in order to decrease the flow of Sudanese refugees into neighbouring countries;

(i) The Government of the Sudan address the problem of displacement all over the country and create the appropriate conditions for displaced persons and Sudanese refugees in neighbouring countries to return to their homelands;

(j) Priority should be given, in accordance with Commission on Human Rights resolution 1996/73 and General Assembly resolution 51/112, to the placement of human rights field officers to monitor the situation of human rights, in the locations and under the modalities suggested in the previous reports on the situation of human rights in the Sudan of 1995 and 1996, in order to facilitate improved information flow and assessment and to help in the independent verification of reporting, with particular attention to violations in areas of armed conflict.